

EVENING BULLETIN

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WALLACE R. FARRINGTON, Editor

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THURSDAY NOV. 19, 1903.

Evening Bulletin readers get all the news; the boys who sell the papers reap a harvest; and the popularity of the paper is best shown by the following figures:

Street Sales	
Nov. 3 -	732
Nov. 4 -	1060
Nov. 5 -	1412
Nov. 6 -	960

The Evening Bulletin is the best seller, has the best reading and is the best newspaper in town.

People show themselves just as unfit for liberty whether they submit to anarchy or to tyranny; and class government, whether it be the government of a plutocracy or the government of a mob, is equally incompatible with the principles established in the days of Washington and perpetuated in the days of Lincoln—President Roosevelt.

Yankee speed has ever caused Great Britain to open its eyes in surprise.

Judging from the time of delivery marked on Treasurer Kepoikal's last letter the contest is causing some people to sit up nights.

Eighty indictments on the secret file of the Federal Grand Jury suggests that District Attorney Breckons made no mistake in predicting he had made a hand.

Diplomatic Agent Varilla went to Panama as a representative of the French canal stockholders. He would be remarkably incapable if he failed to draw the new canal treaty right.

Should the rule be established for street cars to quit on schedule time without regard to theatre closing, the comment on the splendid Rapid Transit service will be salted with the horrors of monopoly.

If memory serves correctly the minority Grand Jury opinion on the relation of the number of jurors to indictments reads very much like the report rendered by the Grand Jury over which the presiding elder of the morning press presided.

Opinions on Birbe expressed by the Grand Jury are not likely to cause him the loss of his important position in the well known Birbe-morning press combination. Birbe and the morning press join their issues and methods as naturally as peas in the same pod.

Two Colombian departments signify their desire to join with Panama in its revolt. Revolution always was popular in South America, and the pot Panama will take in for granting canal rights make the chances good for Colombia itself applying to be annexed.

All Hawaii needs to make its round of pleasure complete is a visit from Carrie Nation. After making a tour of the down town saloons, Carrie could create enough excitement in Territorial government buildings to cause the people to recall the days when the Legislature is in session.

One of the most vital points raised in Attorney Stewart's test election case is the question of throwing out ballots in which an error occurred in voting for one office. These ballots were thrown out on a ruling of Attorney General Andrews but the weight of local opinion among leading lawyers has been adverse to his interpretation. Even the Governor is said to have questioned the degree of good law in the ruling.

The majority report of the Territorial Grand Jury settles the corruption charge in connection with Oahu coun-

ty election so far as the thoughtful voters of the county are concerned. The charges will no doubt continue to be made by opponents of the Republicans, but the moral sting of possible or probable proof has been eliminated by the most careful and searching investigation the laws of the country provide. Republicans are in a position to stand on their reputation for integrity without offering apologies. Even those who threw a fit at the suggestion of an investigation should now be able to realize its value.

GOVERNOR AND TREASURER.

Treasurer Kepoikal's refusal to resign before the expiration of his legal term and Acting Governor Carter's manifest desire that he shall resign before the organization of the new administration creates one of the most interesting situations Hawaii has had in its recent history. It is entirely novel to Hawaii but by no means unknown to Territories of the mainland. Instances can be found without searching far when almost identical conditions have arisen in other Territories and the scrimmage has lasted over a period of several months, but the Governor has not allowed his office to be vacated in consequence.

The Bulletin is unable to divine why Treasurer Kepoikal wishes to remain in office when Governor Carter has announced that he wants to start his administration with a complete list of appointments of his own. The whole question is largely one of courtesy to the incoming executive but unless there is a personal or political game to play it is not usual to take an antagonistic attitude.

What the political game is in this instance the Bulletin will not attempt to solve, though it is possible it goes back to the time when Delegate Kuhl demanded the appointment of Mr. Kepoikal or he would resign as Delegate and force a new election.

Kepoikal is very firmly entrenched as far as his legal status is concerned. He was appointed for four years. He has committed no crime nor has he been guilty of malfeasance in office which would warrant summary removal. He prefers to stand on his commission from Governor Dole, confirmed by the Territorial Senate, rather than run the chance of reappointment. No one can dispute the legality of the Treasurer's action though his judgment may be called in question.

Governor Carter has taken the very strong stand that he will not assume the duties of the Governorship unless he has the resignations of all department heads and Kepoikal's is the only one missing. For the time being Mr. Carter has put it within the power of the Treasurer to say that he shall not act as Governor. This situation we believe is temporary, not because Mr. Carter is afraid to maintain it, or would give his soul and all principles to gain the rights, title and emoluments of the Governorship. Mr. Carter will not, or ought not, hold to his original proposition. The Governorship means more to the Territory and the Federal administration than the office of Treasurer. Mr. Carter has been appointed Governor. He is expected to take the place as he finds it. His duty points to his assumption of whatever responsibilities present themselves rather than an absolute fulfillment of all his own ideals. If Mr. Carter has the experience of most public men he will find it necessary to wait a long time and be persistently patient in carrying out all he hopes to accomplish. If he finds that at the end of his term he has completed the list according to what he previously considered the quickest and best method, he will be the luckiest official on earth.

The correspondence passed between Governor Carter and the Treasurer establishes their position and opinions very clearly. Kepoikal declines to resign and won't admit he has promised to resign, while Carter is satisfied that the Treasurer has either misstated his intentions in previous conversations or been intentionally misleading. Carter gave the Treasurer no assurance that he would or would not reappoint him to office but events have led him to believe that he wants a more stable quantity at the head of this Department.

Mr. Carter's move under these circumstances is to go ahead, not stop. If there is anything to be made out of it by his recalcitrant Treasurer, let it be made. As Governor, Carter has the last move in every part of the contest. The aggressive power of advancement counts more with the people than a blockade. Mr. Carter should be Governor whether Mr. Kepoikal elects to be Treasurer or not.

Rubie Cox, a pupil of the Hillsdale school, who is interested in her teacher, took her a large apple one day this week.—Correspondence Mount Morris (Ill.) Index.

Samuel Hill, of Elgin, has the distinction of being the first colored man in Illinois to ask a municipality to elect him Mayor. He circulated a petition among the voters, but afterwards withdrew from the race. Hill was a slave during the Mexican War, and accompanied his master through that war. At present he is the Elgin pound-master and is a unique character in that city.

"For Rent" cards on sale at Bulletin office.

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The General Arthur Cigar
LIKE A LOVELY WOMAN
is beautiful to the eye, sweet to the taste and wholesome.
Gunst-Eakin Cigar Co.
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FEDERAL GRAND JURY

(Continued from Page 1.)

for the most part, being Japanese.

The charge is conspiracy to violate a Federal statute, the statute relative to fornication.

It is said to be alleged that Attorney Brooks was identified as a lawyer or otherwise with a supposed Japanese organization whose purpose was to evade Federal law in the matter of an immoral traffic.

Upon Foreman Atwater handing to Judge Dole seven indictments, U. S. District Attorney Breckons stated that two of the indictments required to be placed on the secret file.

Attorney Brooks was present in court at the time and leaned over to Mr. Breckons to speak with him, whereupon Breckons stated in open court that Brooks was one of the defendants named in one of the indictments on the secret file and that he, Brooks, was ready to plead to the indictment tomorrow morning. Breckons stated that the indictment charged and added that the District Attorney's office would accept Brooks' recognition. It was required that two other defendants named in the two secret indictments, furnish \$2500 bail each if they desired their conditional liberty. Violation of postal regulations is alleged in the other secret presentment.

Attorney George A. Davis asked that his name, together with those of Attorneys E. P. Dole and A. R. Cunha be ordered entered as the names of counsel to represent defendant Brooks.

Thus Brooks has to defend him a formidable array of legal talent.

The indictment embracing eighty defendants is the direct result of the untiring and strenuous efforts of U. S. District Attorney Breckons to bring under the flare of the Federal inquisition's searchlight the alleged criminal operations of a society of Japanese engaged in the business of importing, enslaving and dealing in and with and for Japanese women for purposes of prostitution.

Conspiracy is charged against the members of this supposed association, conspiracy to violate the Federal statute covering their alleged action and it is supposed that the chief object of the presumed union of these criminal interests was to protect the members and their slaves from apprehension and prosecution.

Mr. Brooks, named in the indictment, is said to have been the attorney for men engaged in the wilful violation of the statute and as such to have had knowledge of conditions.

Of the five indictments where defendants were already in custody, three are against Shigematsu for adultery and unlawful importation, one is against Yantaro Shimamura, illegal importation and the other against Fukumatsu Dole, also for importation.

When court opened there were ten prisoners lined up, as follows: Manuel Claudio and Francisco Le Brun, charged with forging postoffice orders; Chu Gun, who has figured in both Federal and Territorial courts in habeas corpus proceedings, alleged peonage; and seven Japanese charged with peonage, adultery, illegal importation, and the like.

Attorney J. W. Cathcart represented several of the defendants and, when defendants were arraigned, requested that pleas be reserved until Monday morning. It was so ordered. Judge Dole stated that, under the law providing for disposition of matters pending when a District Judge dies, was rendered vacant, the matters could be continued until the next term of court. Two Japanese cases were ordered continued for the term unless for any reason brought up by the District Attorney's office.

BIRTHDAY OF QUEEN

Tomorrow is the birthday of Her Majesty Margherite, Queen Dowager of Italy, in celebration of which the Italian Cruiser Elba will "dress ship" and fire a salute at the regular time. The consular flag will also be displayed over the business house of F. A. Schaefer & Co., Mr. Schaefer being the Italian consul here. A request has been made of the Territorial government that it take part in the celebration and Acting Governor Carter will see to it that the usual formalities are observed.

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STEWART FILES ELECTION CASE IN SUPREME COURT

The petition in the matter of C. B. Maile and others relating to the recent county election and praying that the decision of the boards of inspectors of election of several of the precincts of the Fourth and Fifth Districts be reversed, was filed in the Supreme Court this forenoon by Attorney T. McCants Stewart.

The petition signed by thirty duly qualified voters of the Fifth District. It sets forth that the total number of ballots cast was 5250 and that the inspectors of election of the precincts referred to elected about 745.

The First Precinct of the Fourth District is mentioned as having been presided over by the following inspectors: John Effinger (chairman), Harry Macfarlane and Stephen Muamua. It is further mentioned that in counting the ballots, twenty were rejected on the ground that the voters thereof voted for too many supervisors, or clerks, or both; twenty on the ground that a cross was in the small space below the name of the candidate; two on the ground that the same contained marks of identification, making a total of forty-two ballots.

It is claimed that in rejecting these ballots the inspectors acted contrary to law; that the rejected ballots were valid; that no more names were voted for than there were offices to be filled, except the office of Supervisor, or clerk, or both, that the rejected ballots did not contain any mark or symbol whereby they may be identified or any mark or symbol contrary to law; that two or more of said ballots were not found in the ballot box so folded together as to make clearly evident that more than one ballot was put in by one person; that the ballots were in conformity with law.

The petition goes on to mention the various precincts protested against, giving the names of the inspectors and the number of ballots thrown out, the latter being as follows: Third Precinct of Fourth, 41; Fifth of Fourth, 32; Eighth of Fourth, 40; First of Fifth, 18; Second of Fifth, 20; Sixth of Fifth, 22; Seventh of Fifth, 178.

Other grounds claimed by the inspectors for throwing out ballots and not already mentioned in the case of the First Precinct of the Fourth District, are as follows: Soiled, spoiled, blotted or blurred ballots; improperly made crosses; one leg of a cross made too long; marks made half in ink and half in pencil; torn ballots.

Lastly, the petitioners allege that the law provides for a free ballot and a fair count, and for an award of the certificates of election to persons legally indicted thereto.

The petitioners pray that process may issue, citing the inspectors of election referred to and the persons having received certificates of election to appear and answer the petition in fourteen days after service. Further that, upon the hearing of the petition, petitioners may have judgment:

(1) setting aside the decision of the Board of Inspectors of Election; (2) counting said ballots; (3) declaring what persons have been legally elected said county officers; (4) awarding them certificates of election and directing the Secretary of the Territory to issue the same, and five granting such other relief as the Court may deem just.

The order of the court, setting the return day for December 7, is as follows:

Let Summons issue commanding the High Sheriff of the Territory of Hawaii, or any of his Deputy Sheriffs, of the Island of Oahu, to summon the Boards of Inspectors of Election of the First, Third and Eighth Precincts of the Fourth Election District, and the First, Second, Sixth, Seventh, Eighth and Ninth Precincts of the Fifth Election District, and the following named candidates returned by them as elected, namely: Mark P. Robinson, John Lucas, Frank H. Harvey, A. Hocking, J. A. Gilman, J. M. Keoloha, and S. K. Mahoe, Supervisors; Assessor; and Arthur M. Brown, Sheriff; Harry E. Murray, Clerk; C. P. Lauka, Tax Assessor; Isaac H. Sherwood, Auditor; William T. Rawlins, District Attorney; S. E. Damon, Treasurer; Chris J. Willis, Surveyor, to appear at 10 o'clock a. m. on Monday, December 7, 1903, before the Supreme Court of the Territory of Hawaii, to answer the annexed petition of C. B. Maile and others, praying that the decision of said Inspectors of Election in the matter of the election of County officers, held on November 3rd, A. D. 1903, be set aside, etc., service hereof made upon the chairman of each of said Boards of Inspectors of Election shall be sufficient service upon such Inspectors of Election; and to have then and there said Summons with full return of his proceedings thereon.

A wonderful new kodak has just been put on the market by the Eastman Kodak Co. and should interest every kodaker in Honolulu. Call at Honolulu Photo-Supply and see the new instrument. It takes pictures 3 1/2 x 5 1/2 and is fitted with some special new devices. Regular pocket folding shape.

T. L. Dale was fined \$1 and costs in the Police Court this morning for driving a licensed vehicle without having a driver's license. Dale stated that he was merely taking the hack to the stable and picked up a friend, giving him a ride for nothing.

Art Goods for the Holidays

Having completed the improvements in our ART ROOM it is now one of the finest in the country.

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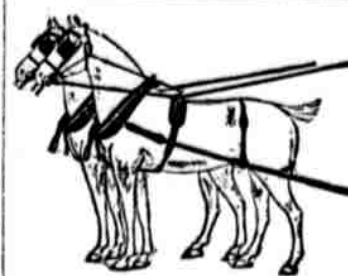
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LOCAL AND GENERAL

Deputy U. S. Marshal Frank L. Winter has been quite ill at his Pensacola street residence for the last ten days with sciatic rheumatism but is now somewhat better. He was able to appear on the streets yesterday.

Nine Hawaiian boys were caught playing "hooky" by truant officer Kamehameha today. They were on the beach catching crabs when the officer descended upon them. They are now lodged in the police station yard.

A match has been arranged between Jack Weday and Dave Barry, the latter of San Francisco, for a fifteen-round glove contest to take place here on New Year's eve. Barry's representative has cabled him to come on at once. The winner is to have the entire purse and there is to be a side bet of \$200.

Ten Chinese gamblers who were caught by Detective McDuffie in a Nuuanu street joint playing poker, all forfeited their bail of \$5 each in the Police Court this morning. Natuoka, Kawakami Santaro and Tomochi Hoyama, all charged with assault with a weapon; Manuel Oliveira, charged with assault and battery on Carrie Spencer, all had their cases continued. The case of Covel, a soldier, charged with common nuisance, was nolle prossed.

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Also 1 JUMP-SEAT BUCKBOARD, second-hand; good as new.

LOCAL AND GENERAL

Two U. S. army soldiers, E. Koukil and C. Brown, are being taken as prisoners from Shanghai to San Francisco in the Hongkong Maru. During the stay of the steamship in port they were held for safe keeping by the local police authorities.

A Japanese woman fell off a Rapid Transit car at the corner of King and Alakea streets a little after 11 o'clock this forenoon. She was taken to the Queen's hospital in the patrol wagon. Although the woman bled profusely it was reported from the hospital that she is not hurt beyond a rather severe shaking up.

The American bark Albert from San Francisco was sighted from Diamond Head early this morning. After beating up to windward all the forenoon she arrived off port and was taken in tow by the Fearless at about 1 o'clock. She made a fast trip of 12 days from San Francisco. The Albert brings a cargo of general merchandise consigned to H. Hackfeld & Co.

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